



2001 SENATE BILL 354

December 19, 2001 - Introduced by Senators GROBSCHMIDT, MOEN, WIRCH, ERPENBACH, RISSER, MOORE, PLACHE and HANSEN, cosponsored by Representatives WASSERMAN, F. LASEE, FREESE, McCORMICK, MILLER, RICHARDS, BERCEAU, LA FAVE, CARPENTER, SINICKI, MUSSER, KRUG, POCAN, BOYLE, BOCK, WILLIAMS, LOEFFELHOLZ, BALOW, LASSA, PLALE, OTT, BLACK, J. LEHMAN, CULLEN, GRONEMUS and TURNER. Referred to Committee on Labor and Agriculture.

1 **AN ACT to amend** 103.10 (4) (b), 103.10 (7) (a) (intro.), 103.10 (7) (b) (intro.) and
2 230.35 (2m); and **to create** 103.10 (4) (am) and 103.10 (7) (am) of the statutes;
3 **relating to:** medical leave for the purpose of receiving prenatal health care
4 check-ups.

Analysis by the Legislative Reference Bureau

Under current law, an employer, including the state, employing at least 50 individuals on a permanent basis in this state must permit an employee who has been employed by the employer for more than 52 consecutive weeks and who has worked for the employer for at least 1,000 hours during the preceding 52-week period to take two weeks of medical leave in a 12-month period. Medical leave may be taken when an employee has a serious health condition that makes the employee unable to perform the employee's employment duties. An employee is not entitled to receive wages or salary while taking medical leave, but may substitute, for portions of medical leave, other types of paid or unpaid leave provided by the employer. An employee who intends to take medical leave for planned medical treatment must give the employer notice of the planned medical treatment and make a reasonable effort to schedule the medical treatment so that it does not unduly disrupt the operations of the employer. An employer may require an employee who requests medical leave to provide certification by a health care provider stating that the employee has a serious health condition, the date on which the condition commenced and its probable duration, the medical facts regarding the condition, and an explanation of the extent to which the employee is unable to perform his or her

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employment duties. The employer may also require the employee to obtain, at the employer's expense, a second opinion concerning that information.

This bill permits a pregnant employee who is eligible to take medical leave to take up to eight hours of medical leave during each month of her pregnancy for the purpose of receiving prenatal health care check-ups. The bill limits the amount of medical leave that an employee may take for the purpose of receiving those check-ups to 72 hours in a 12-month period and provides that those 72 hours are in addition to the two weeks of medical leave that the employee may take for a serious health condition. Under the bill, all of the provisions under current law relating to medical leave for a serious health condition, including the provision permitting substitution of other types of leave and the provisions requiring advance notice of planned medical treatment, reasonable effort not to unduly disrupt the employer's operations, and certification by a health care provider, apply to medical leave for the purpose of receiving prenatal health care check-ups, except that the employer may require an employee who is requesting medical leave for the purpose of receiving prenatal health care check-ups to provide certification stating no more than the fact that the employee is pregnant and the date on which the pregnancy commenced and its probable duration and may not require the employee to obtain a second opinion concerning that information.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 103.10 (4) (am) of the statutes is created to read:

2 103.10 (4) (am) Subject to pars. (b) and (c), an employee who is pregnant may
3 take up to 8 hours of medical leave during each month of the employee's pregnancy
4 for the purpose of receiving prenatal health care check-ups.

5 **SECTION 2.** 103.10 (4) (b) of the statutes is amended to read:

6 103.10 (4) (b) No employee may take more than 2 weeks of medical leave under
7 par. (a) during a 12-month period. No employee may take more than 72 hours of
8 medical leave under par. (am) during a 12-month period. No employee may take
9 more than the total amount of medical leave permitted under pars. (a) and (am) for
10 any combination of reasons specified in pars. (a) and (am) during a 12-month period.

11 **SECTION 3.** 103.10 (7) (a) (intro.) of the statutes is amended to read:

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1 103.10 (7) (a) (intro.) If an employee requests family leave for a reason
2 described in sub. (3) (b) 3. or requests medical leave under sub. (4) (a), the employer
3 may require the employee to provide certification, as described in par. (b), issued by
4 the health care provider or Christian Science practitioner of the child, spouse,
5 parent, or employee, whichever is appropriate.

6 **SECTION 4.** 103.10 (7) (am) of the statutes is created to read:

7 103.10 (7) (am) If an employee requests medical leave under sub. (4) (am), the
8 employer may require the employee to provide certification issued by the employee's
9 health care provider or Christian Science practitioner stating that the employee is
10 pregnant and the date on which the pregnancy commenced and its probable
11 duration. No employer may require certification under this paragraph stating more
12 than the information specified in this paragraph.

13 **SECTION 5.** 103.10 (7) (b) (intro.) of the statutes is amended to read:

14 103.10 (7) (b) (intro.) No employer may require certification under par. (a)
15 stating more than the following:

16 **SECTION 6.** 230.35 (2m) of the statutes is amended to read:

17 230.35 (2m) ~~An~~ Except as provided in this subsection, an employee shall be
18 eligible for medical or family leave under s. 103.10 upon the expiration, extension,
19 or renewal of any collective bargaining agreement in effect on April 26, 1988, ~~which~~
20 that covers the employee. An employee shall be eligible for medical leave under s.
21 103.10 (4) (am) upon the expiration, extension, or renewal of any collective
22 bargaining agreement in effect on the effective date of this subsection ... [revisor
23 inserts date], that covers the employee.

24 **SECTION 7. Initial applicability.**

